



# **U.S. Department of Transportation Federal Transit Administration**

## **Planning for a Transit Facility**

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# Planning for a Transit Facility

## Outline

- This PPT will examine the many Federal requirements for types of transit facilities, including:
  - TIP/STIP
  - Environmental Reviews
  - Project & Site Feasibility
  - Special Situations
  - Real Estate
  - TEAM & Other Issues





# Planning for a Transit Facility

## Types of Facilities

- Transit facilities may include:
  - Bus facilities
    - Maintenance, storage and operations
    - Transfer facilities
  - Intermodal Facilities
    - Public transit bus/commuter bus/intercity bus
    - ...plus any rail facility or component
  - Rail Facilities
    - Light rail/heavy rail/commuter DMU/intercity rail
    - AMTRAK





# Planning for a Transit Facility

## TIP & STIP

- If facility is within an urbanized area, make sure project is in Metropolitan Planning Organization's (MPO)
  - Long Range Transportation Plan (LRTP)
  - Metropolitan & State Transportation Improvement Programs (MTIP & STIP)
- MTIP and STIP are fiscally constrained & inclusion is a matter of negotiation





# Planning for a Transit Facility

## TIP & STIP

- If using FTA funds for:
  - *Preliminary Engineering, site selection, land acquisition, site improvements or construction* please include **phase of work** & funding amount (approx) in the TIP & STIP for **correct FY**
  - FTA looks to ***STIP documentation*** in app. process
  - STIP program pages & approval dates are **required** & must be entered in TEAM (not MTIP doc.)



# Planning for a Transit Facility

## Project & Site Feasibility

- Project Feasibility
  - ID the need for the facility; projected growth; current constraints
  - ID the sites to be considered
  - Consider scope of work &/or study of site/project feasibility
- Procurement: If you procure consultant svcs. make sure you:
  - advertise & take competitive proposals
  - fair & open procurement
  - document the "how/why" of selection
- Procurement: If you procure svcs. for NEPA documentation
  - Can the consultant
    - Document number & types of NEPA projects completed
    - Persons who worked on NEPA projects, &
    - Satisfactory award & Records of Decision (ROD)



# Planning for a Transit Facility

## Project & Site Feasibility

- Site Issues & Zoning
  - Will site need to be *re-zoned*?
  - Commercial/industrial zoning usually compatible
  - Will zoning authority specify permitted uses?
  - Intent to re-zone by letter from the zoning authority?
- Are parking, access & circulation adequate?
  - Can roads handle bus traffic?
  - Are they arterials/collectors?
  - Will topo., floodplain, grading & slope issues be problematic?
  - Is site buildable for your use?



# Planning for a Transit Facility

## Environmental Process

- Purposes of the NEPA document:
  - Protect natural environment
  - Understand the alternatives analysis process
  - Protect the local and Federal agency from litigation
  - Arrive at good decisions by the parties
- FTA *planning dollars from 5303 & 5307 programs* may be used to:
  - Fund the provision of NEPA documentation
  - NOTE: if done, place in Unified Planning Work Program (UPWP)
- If you apply for capital dollars under 5307 or 5309 programs:
  - NEPA documentation needs to be submitted to FTA prior to making app. in TEAM





# Planning for a Transit Facility

## Environmental Process

- In preparing the documented CE or EA document, consider:
  - *type, scope & scale of the facility*
  - *level of potential adverse risk*
  - *detailed scope of work &*
  - *needed level of review*



# Planning for a Transit Facility

## Environmental Process

- Consider 3 classes of NEPA action
  - Categorical Exclusion (CE)
  - Environmental Assessment (EA)
  - Environmental Impact Statement (EIS, not in this PPT)
- Categorical Exclusion(23 C.F.R. 771.117)
  - CE's are granted for actions that **do not** individually or cumulatively involve significant social, econ. or environ. impacts





# Planning for a Transit Facility

## Environmental Process

- Categorical Exclusion (CE)
  - 23 C.F.R. 771.117 provides a list of types of projects that are *categorically excluded*
    - new bus storage & maintenance facilities,
    - rehab/reconstruction of bus storage & maint. facilities,
    - bus transfer facilities & rail storage facilities &
    - "Hardship" (to the seller) land acquisition
- FTA may require a *documented* CE submission
- CE checklist is available from FTA Region IV





# Planning for a Transit Facility

## Environmental Process

- Environmental Assessment (EA)
  - when the *significance of the environmental impact is not clearly established*
  - FTA may require an EA (23 C.F.R. 771.119)
- Completion of an EA usually results in a *Finding of No Significant Impact* (FONSI)
  - requiring no further environ. evaluation, or
  - process can result in the ID of potentially significant impacts
    - requiring applicant to conduct add'l. special studies, or
    - an Environmental Impact Statement (EIS)
  - *Once FONSI is issued for EA applicant may proceed with app.*



# Planning for a Transit Facility

## Environmental Process

- Special Studies
  - The presence of one or more conditions may require special studies:
    - archaeological, cultural, ecological, historical, parks & water
    - see **National Historic Preservation Act, Section 106 & Federal Transit Act, Section 4 (f)** for additional information re National Register properties
      - in some cases properties 50 years old or older
      - projects which impact parkland may need special studies
- Example: Intermodal Facility, Savannah, GA



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## Environmental Process

- EA/EIS should have some level of Public Involvement (PI)
  - Can you document level of PI?
  - Did you hold public meetings in course of study?
  - One option...use MPO's public participation plan
- Is the public generally supportive of plans?
- Do you have comment cards available?



# Planning for a Transit Facility

## Environmental Process

- Phase One, Two & Three Site Assessments
- When a phase one or two environmental *site* assessment (as differentiated from a NEPA Environmental Assessment) may be needed to determine ***likelihood of contamination***
  - Phase One: Determine the likelihood of contamination based on previous use
  - Phase Two: If significant contamination exists, do borings and wells
  - Phase Three: Remediation and clean-up
- As a general rule, FTA does not provide funds to remove contamination
- Contamination may need to be removed with local or state funds
- **Exception: “Brownfield” clean-up per EPA**



# Planning for a Transit Facility

## Special Situations

- Level Boarding in an Intermodal (IM) Transport Facility
  - Level-boarding compatibility issues should be examined
  - AMTRAK & some trains may have different doorway heights
  - 17.5, 22 or 48" on older trains can provide challenges
  - Freight and DMU commuter svc. along same line can present issues
  - Contact Civil Rights Officer in Region IV
  - FTA also has a Level Boarding Working Group
- Disability Law Coordinating Council has written guidance on web:

[http://www.fta.dot.gov/civilrights/ada/civil\\_rights\\_3890.html](http://www.fta.dot.gov/civilrights/ada/civil_rights_3890.html)







# Planning for a Transit Facility

## Special Situations

- Intermodal Transportation Facility
  - *If IM facility is proposed along existing freight line or a proposed high speed rail corridor (Atlanta/Richmond) than:*
    - Reviews by Federal Railway Administration (FRA) required
    - *For freight issues, FRA contact is Dick Cogswell at 202.493.6388*
    - *For safety issues, FRA contact is Fred Dennin at 404.562.3803*
- “Gap” issue re ADA and curvature of track
  - if IM station/platforms are planned within curve
  - could result in a “gap” in excess of that which can be bridged between platform & doorway



# Planning for a Transit Facility

## Special Situations

- Intermodal Transportation Facility: Intercity Bus & AMTRAK
  - Under SAFETEA-LU:
    - intercity rail (non-AMTRAK), commuter rail & intercity bus **components** are sometimes *eligible* for FTA funding when
      - facility has a ***public transit component***
      - commuter rail is part of ***regional transit system***
      - Rehabilitation of historic terminals is OK if IC rail or IC bus is there
      - Public transit interface is the key
- AMTRAK facilities are generally not eligible for FTA funds if
  - ***stand-alone facilities***
  - without the above public bus/IC bus or commuter rail components
  - AMTRAK has separate general fund appropriations



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*Greensboro IM Facility*

- Intermodal Facility
- AMTRAK & Greensboro Transit Authority (GTA)
- Fixed Route & HEAT Service



# Planning for a Transit Facility

## Special Situations

- Air Quality: PM 2.5 Particulate Matter
  - *PM 2.5—Non-Attainment (NA) Areas*
  - *Atlanta, Birmingham, Chattanooga, Cincinnati-Hamilton, Greensboro, Winston-Salem, High Point, Hickory, Huntington-Ashland, Knoxville, Louisville, Macon, Rome*
  - Per # of diesel vehicles, facilities in these areas may require **PM 2.5 conformity determination**
  - County by county determination



# Planning for a Transit Facility

## Special Situations

- Air Quality: PM 2.5 Particulate Matter
  - FTA & EPA via **“interagency coordination”** w/applicant (40 C.F.R. 93.123(b)(1)(iv))
  - AQ concern when “significant increase” in diesel buses at transfer facilities may = “CO hot-spot”
  - However, if transit project receives CE determination conformity determination may not be required



# Planning for a Transit Facility

## Real Estate

- Property acquisition & relocation guidance per web sites:
  - Sec. 1.3.3.4 - Real Estate Contracts of FTA, Best Practices Procurement Manual (BPPM) deals with acquisition of Real Property
  - [http://www.fta.dot.gov/funding/thirdpartyprocurement/bppm/grants\\_financing\\_6102.html](http://www.fta.dot.gov/funding/thirdpartyprocurement/bppm/grants_financing_6102.html)





# Planning for a Transit Facility

## Real Estate

- Relocation Assistance & Real Property Acquisition Act aka ***“Uniform Act”***
  - Types of real estate
  - See **Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970**, as amended, at:  
<http://www.fhwa.dot.gov/realestate/act.htm>
  - Implementing regs. (govt.-wide), 49 CFR Part 24  
<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-6.htm>



# Planning for a Transit Facility

## Real Estate

- Examine FTA Circular 5010.1C, Grant Management Guidelines
  - Chapter II-2 Real Property, establishes procedures to be followed:
    - Independent appraisal by a certified appraiser
    - Review appraisal of the initial appraisal
    - FTA review & concurrence requirements re grantee's offer to buy property
- Go to FTA web site; find & click on Circulars, etc.
  - Type in name and/or number in "Search" box
  - Or search by date; or scroll down list





# Planning for a Transit Facility

## Real Estate

- **Appraisals & Review Appraisals**
  - Appraisals should be completed by certified appraiser **prior to preparing application** in TEAM
  - Appraisals should be dated within 6 months of proposed purchase
  - Values do change...update appraisals if over 6 mos. Old
- Review appraisal is also required if:
  - Value of property > \$ 250,000, or
  - If difference in appraised value/offer & asking price is greater than \$ 50,000
- Process:
  - **"Hard-copy"** of appraisals & summary cover letter from applicant sent to FTA R IV
  - Region IV will submit appraisals to HQ
  - FTA HQ will review both appraisals & will provide a review memo for sufficiency of documentation to Region IV
  - Region IV will notify applicant/grantee of results
  - Approval of *sufficiency* does **not** constitute agreement on value
  - FTA will **not process a grant request** w/o 'hard-copy' appraisals



# Planning for a Transit Facility

## Real Estate

- If using 5309 Earmark Funds
  - Grantees who try to purchase property with earmarks *without* completing NEPA, appraisal & Uniform Act reqs. will find issues
  - Grantees may be risking a lapsing earmark or use of Fed. funds
  - NOTE: 5309 is a **capital program**
    - 5309 funds are not generally used for “planning or studies”
    - However, real estate/appraisals, project feasibility work, NEPA doc., & engineering and design *incidental to the capital use* &
    - prelim. engineering in New Starts
    - ...are generally eligible under 5309



# Planning for a Transit Facility

## Real Estate

- Real estate in ***Project Detail narrative*** in TEAM:
  - who will own the facility?
  - will there be non-transit retail or other tenants?
  - if yes, will they pay rent & what will be disposition of rents?
  - If joint development, please also see participation in joint development



# Planning for a Transit Facility

## Real Estate

- Letter of No Prejudice (LONP)
  - Many requests for 5309 bus related capital facilities & property acquisition
  - Yet, no Federal funds have yet been appropriated
  - Grantees want local match share eligibility
  - Ability to be reimbursed for *eligible & documented costs* at Fed. share
- Process
  - *Make a written request with documentation of need to FTA R IV (except New Starts)*
  - *Provide a synopsis of project & site feasibility*
  - *Provide statement of how you will manage project*
  - All Federal require. (NEPA, appraisals, procurement) must be met
  - Grantees are at risk; no guarantees of future Federal funds



# Planning for a Transit Facility

## Real Estate

- Land can be an "in-kind match"
- Value is "value at time of donation"
  - See Common Grant Rule, 49 CFR 18.24 "Matching or Cost Sharing"
  - See FTA C 5010.1C, "Grant Management Guidelines," Ch. II, "Management of Real Property, Equipment & Supplies"
  - See 42 U.S.C. 61, Section 4627  
<http://www4.law.cornell.edu/uscode/42/4627.html>



# Planning for a Transit Facility

## Real Estate

- Joint Development (2-7-07)
  - Private invest., enhancing econ. development, phys. & functional relationships with public transit & coordination
  - Eligible & ineligible activities are described
    - Bus & IC rail facilities, parking & project development activities
    - Fed. asst. in joint development & capital improvements
    - “Thresholds” & relationships vis a vis the transit agency, a private developer and private financing
    - Ground leases and transfers
  - ***Joint Development Checklist*** is provided in circular via web:

[http://www.fta.dot.gov/laws/leg\\_reg\\_federal\\_register.html](http://www.fta.dot.gov/laws/leg_reg_federal_register.html)



# Planning for a Transit Facility

## TEAM & Other Issues

- DOL & Buy America
  - 5307, 5309, 5311 & 5316 apps. in TEAM are routinely sent to Dept. of Labor (DOL)
  - DOL review can take 30 to 45 days
  - 5309 grants also require HQ release; another 30 days
  - Buy America is required under 5307 & 5309 for capital projects
  - Be aware of ***Buy America*** provisions when purchasing materials; esp. steel



# Planning for a Transit Facility

- Construction Management
- Please see the web link below for ***construction management handbook***:  
[http://www.fta.dot.gov/documents/Const\\_Proj\\_Mangmnt\\_CD.pdf](http://www.fta.dot.gov/documents/Const_Proj_Mangmnt_CD.pdf)







# Planning for a Transit Facility

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